

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Lawrence W. Luttrell
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In Re:

Minsoo Chu

Case No.: 16-33501

Chapter: 7

Hearing Date: April 10, 2017

Judge: Hon. Michael B. Kaplan

**NOTICE OF MOTION BY DEBTOR TO RE-CONVERT CASE
FROM CHAPTER 7 TO CHAPTER 13**

PLEASE TAKE NOTICE that on **April 10, 2017** at 10:00 A.M. or as soon thereafter as he may be heard, the Debtor, through his undersigned attorney shall move before the Honorable **Michael B. Kaplan**, United States Bankruptcy Judge, at the United States Court House, **402 East State Street, Trenton**, New Jersey, for the entry of an Order (i) **converting the case from a Chapter 7 to a Chapter 13**; and (ii) granting such other and further relief as this Court deems just and equitable.

PLEASE TAKE FURTHER NOTICE that, in support of the Motion, the Debtor shall rely upon the Certification and Proposed form of Order filed concurrently herewith. The Debtor submits that no separate memorandum of law is necessary because the applicable law is adequately set forth in the supporting Certification and/or generally known.

PLEASE TAKE FURTHER NOTICE that any objections to the relief requested above shall (i) be in writing; (ii) specify with particularity the basis of the objections; and (iii) be filed with the Clerk of the United States Bankruptcy Court (a) electronically by attorneys who regularly practice before the Bankruptcy Court in accordance with the General Order Regarding Electronic Means for Filing, Signing, and Verification of Documents, dated March 27, 2002 (the “General Order”) and the Commentary Supplementing Administrative Procedures, dated as of March 2004 (the “Supplementary Commentary”) (the General Order, Supplemental Commentary and the User’s Manual for the Electronic Case Filing System can be found at www.njb.uscourts.gov, the official website for the Bankruptcy Court, and (b) in hard copy by all other parties-in-interest, and shall simultaneously be served on the Law Offices of Lawrence W. Luttrell, PC, 2137 State Route 35, 3rd Floor, Holmdel, New Jersey 07733 (**Attn: Lawrence W. Luttrell**), in accordance with the General Order and the Supplemental Commentary, to be presented at the hearing.

PLEASE TAKE FURTHER NOTICE that, pursuant to D.N.J. LBR 9013-1(d), any opposition must be filed in accordance with **D.N.J. LBR 9013-1**.

PLEASE TAKE FURTHER NOTICE that oral argument is requested, if contested.

Dated: March 7, 2017

Law Offices of Lawrence W. Luttrell, PC

/s/Lawrence W. Luttrell
By: Lawrence W. Luttrell

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**CERTIFICATION OF DEBTOR IN SUPPORT OF MOTION
TO CONVERT CASE TO A CHAPTER 13**

I, Minsoo Chu, hereby certify as follows:

1. I am the Debtor in the above matter and personally aware of the facts set forth in this certification. I submit this Certification in support of an application to convert my bankruptcy from a Chapter 7 to a Chapter 13.

2. I own, with my wife, the real property known as 43 Springhouse Circle, Manalapan, NJ (hereinafter referred to as the “property”).

3. I filed for Chapter 7 bankruptcy on or about December 9, 2016. I rushed to file the bankruptcy in order to avoid a Sheriff Sale of the property that was scheduled to take place on December 12, 2016. As a result of the haste in filing, I inadvertently

instructed my attorney, Lawrence W. Luttrell, Esq., to file for chapter 7 bankruptcy protection rather than for chapter 13 bankruptcy protection. The property is the residence of my wife and our two children whom attend public school in Manalapan Township. I want to convert my bankruptcy case to a chapter 13 because I want the opportunity to avoid losing the property in a foreclosure sale. I have requested entry into the Court's Loss Mitigation Program in the hopes of fulfilling my objective.

4. I believe that the financial circumstances of my wife and I along with the Loss Mitigation Program gives me a reasonable opportunity to cure the mortgage arrears on the property.

5. I understand that I will be required to pay for any administrative expenses of the current Chapter 7 Trustee and am prepared to do so.

6. In addition, if my case is converted I am prepared to make adequate protection payments to my lender for the months of December and each month moving forward so as to avoid any prejudice as a result of the lapse of time between the initial filing and the Order of conversion.

7. I previously had my attorney file a motion to convert this case to a Chapter 13, which was granted. However, as I am currently in Korea, I was unable to get my attorney all of the necessary documents need to amend the schedules and file a plan. The deadline to file the Plan was February 16, 2017.

8. I was able to forward the requested documents on the morning of February 15, 2017. However, that same day, the Bankruptcy Court dismissed my Chapter 13 instead of reconverting my case back to a Chapter 7.

9. Presently, the dismissal was vacated and the Chapter 7 is active, but for all of the reasons previously stated, it is respectfully requested that the Court to convert my case to a Chapter 13. I understand that if my chapter 13 case is unsuccessful, that it will be reconverted back to a Chapter 7 case instead of being dismissed.

10. I certify that the foregoing statements are true. I am aware that if the foregoing statements are willfully false, I am subject to punishment.

Dated: March 7, 2017

/s/Minsoo Chu

Minsoo Chu, Debtor

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CERTIFICATION THAT NO BRIEF IS NECESSARY

I hereby certify that no memorandum of law is necessary because no novel issues of law are present and the Application is otherwise supported by citations to authorities herein or is otherwise readily known by the Court.

LAW OFFICES OF LAWRENCE W. LUTTRELL
Attorney for Debtor, Minsoo Chu

Date: 03/07/2017

By: /s/ Lawrence W. Luttrell
Lawrence W. Luttrell, Esq.

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ORDER CONVERTING CASE TO CHAPTER 13

The relief set forth on the following page, numbered two (2), is hereby
ORDERED.

Upon the motion of Minsoo Chu and for good cause shown, it is

ORDERED that this case is converted from chapter 7 to chapter 13, and it is further

ORDERED that within 14 days of the date of this Order the debtor shall file amendments to previously filed schedules and statements as necessary, and it is further

▫ **ORDERED** that if the case is converting from chapter 7, and the fee under that chapter was waived by prior order of this court, the debtor must pay the chapter 13 filing fee in the amount of _____ in full or file an Application to Pay in Installments within 14 days of the date of this order or the case will be reconverted to chapter 7 without further notice, and it is further

ORDERED that:

- the case shall not be dismissed in the event the debtor is unsuccessful in confirming and completing a plan, but shall be reconverted
- the conversion is conditioned upon payment by the debtor(s), through the Chapter 13 plan, of all allowed chapter 7 administrative expenses, and it is further

ORDERED that within 14 days of the date of this Order the debtor shall file:

- a Chapter 13 Plan and Motions, and
- if this case was originally filed on or after October 17, 2005, a *Statement of Monthly Income and Calculation of Commitment Period and Disposable Income* as required by Fed. R. Bankr. P. 1007(b)(5), and it is further,

ORDERED that if the debtor fails to file the documents set forth above within 14 days of the date of this Order, the case shall be converted to chapter 7 by the Court without further notice. If you object to the reversion of the case, you may submit a response in writing setting forth the reasons why reversion would not be proper. Such response must be received by the court prior to the expiration of the 14 day submission period.